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THE BANK OF NEW YORK MELLON and; BANK OF AMERICA, N.A., as  
successor by merger to BAC Home Loans Servicing, LP, successor in interest to  
Countrywide Home Loans Servicing, LP

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Attorney for Plaintiffs

PEDRO BARAHONA and ANDREA BARAHONA

**UNITED STATES DISTRICT COURT**

**CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

PEDRO BARAHONA and ANDREA  
BARAHONA

Plaintiffs,

vs.

TAMAYO FINANCIAL SERVICES,  
INC.; BANK OF NEW YORK, as  
trustee for securitized trust CWABS  
ASSET-BACKED CERTIFICATES  
TRUST 2007-12; BANK OF  
AMERICA, N.A., as successor by  
merger to BAC Home Loans Servicing,  
LP, successor in interest to  
Countrywide Home Loans Servicing,  
LP, and MORTGAGE ELECTRONIC  
REGISTRATION SYSTEM, aka  
“MERS” and DOES 1 through 100,  
inclusive,

Defendants.

**CASE NO. 2:12-cv-08738-FMO-E**

Removed from Los Angeles County  
Superior Court Case No. LC098232

**ORDER TO REMAND**

Judge: Judge Fernando M. Olguin

Courtroom: F

Date Action Filed: August 28, 2012

FAC Filed: November 7, 2012

Trial Date: April 14, 2014

**ORDER**

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2 1. Plaintiffs' causes of action brought under (1) the Truth in Lending Act  
3 ("TILA") and (2) the Real Estate Settlement Procedures Act ("RESPA"), 12 U.S.C.  
4 2601, *et seq.* are dismissed with prejudice.

5 2. This matter is hereby remanded to The Superior Court for the State of  
6 California, County of Los Angeles from where it originated as civil matter  
7 LC098232.

8 3. All future filing deadlines, hearing dates, conferences and trials  
9 calendared by this Court in this matter are hereby VACATED.  
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12 **IT IS SO ORDERED:**

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14 DATE: February 20, 2013

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/s/

Hon. Fernando M. Olguin  
United States District Court Judge  
Central District of California  
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**CERTIFICATE OF SERVICE**

I hereby certify that on February 18, 2013, I electronically filed the foregoing **[PROPOSED] ORDER TO REMAND** with the Clerk of the Court using the CM/ECF system and served a copy of same upon all counsel of record via the Court's electronic filing system.

By: /s/ Joseph V. Quattrocchi